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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/390,435 09/07/99 SPAKOUSKY J 6479

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EXAMINER

TRAN A, P

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/14/01

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/390,435

Applicant(s)
John G. Spakousky

Examiner
Phi Dieu Tran A

Group Art Unit
3635



☒ Responsive to communication(s) filed on Dec 1, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 and 35-44 is/are pending in the application.

Of the above, claim(s) 36, 37, and 44 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24, 35, and 38-43 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,7

☒ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention: figures 15a, 20a.

Applicant's election of the specie of figure 15a pertaining to claims 1-24, 35, 38-43 is confirmed. Claims 1-24, 35, 38-43 are pending. Claims 36-37, and 44 are withdrawn from further consideration. Claims 25-34 are canceled.

Currently, claim 35 is generic.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 8, 19, 35, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 line 1 "a insert-type" is improper. Should it be "an"?

Claim 8 line 2 "the other arms" is lacking antecedent basis.

Claim 19 "an compressible" is improper. Should it be "a"?

Claim 35 lines 4-5 "for engaging" is indefinite. Both the wall connector formation and the connectors are claimed structures. Thus, they must be claimed in combination, not subcombination.

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Claim 38 “ for insertion in engagement... the connective structure” is indefinite. Both the insulating mass and the connective structure are claimed structures. Thus, they must be claimed as combination, not subcombination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-5, 10, 17, 21, 35, 40-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boeck.

Figures 1 and 4

Product by Process claim “ The subject matter present in claim 41 is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examiner the final product described regardless of the method provided by the applicant.”

6. Claims 1, 2, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Horobin .

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Horobin (figures 1, 9, appendix A) shows two walls connected by connectors with two end arms (A, B), center arm (D) vertically displaced on the center form (E) with respect to the end arms, reinforcing arm (F) connected to at least one of the other arms.

7. Claims 1, 2, 6, 9, 17, 35, 38-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart Jr.

Stewart Jr. (Figure 6) shows first and second walls receiving a lattice-like connective structure (12, 14, 15), the connective structure having a partition that forms a first cavity with the first wall, a second cavity with the second wall, at least one connector being V-shaped, two end arms (14), a center form (15) connecting two end arms, a center arm (20) vertically displaced on the center form (15, figure 1 corner), the top of the center arm being flush with the top of the first and second walls.

Per claim 17, Stewart Jr. shows handle means (15).

Per claims 38-39, Stewart Jr. shows insulating mass (23) having approximately the same height and width dimensions as first and second walls, the walls being made of different materials (col. 4 lines 60-65) and having surface treatment.

Product by Process claim “ The subject matter present in claim 41 is regarded as a product by process claim in which a product is introduced by the method in which it is made. It is the general practice of this office to examiner the final product described regardless of the method provided by the applicant.”

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Per claims 42-43, the opening (24) in the structure constitutes an airflow/electric element aperture in the at least one wall.

8. Claims 8, 17-18, 21, 23, 24, 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Jukes.

Jukes shows a substantially rigid connective structure (figure 1) having a plurality of elements forming a lattice, connectors formed in the lattice, handle means (56, 62), a center form (30, A), two end arms projecting outwardly from each side of the center arm perpendicular to the center form with each arm having a connector (not defined in the claim yet) a center arm (30) projecting outwardly from each side of the center form and substantially perpendicular to the center form, both ends of the center arm having a connector (not defined in the claim yet), a reinforcing arm (14) connected between the center form and an arm.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boeck.

Boeck shows all the claimed limitations except for the connective structure being substantially composed of a plastic material.

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Boeck (col 1 lines 20-24) discloses connectors being made of plastics.

It would have been obvious to one having ordinary skill in the art to modify Boeck to show the connective structure being substantially composed of a plastic material because using plastics for connective structure is common expedient in the art as plastics provide the properties of element resistance and light weight.

11. Claims 1, 12-14, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart Jr. in view of Boeck.

Stewart Jr. (Figure 5) shows first and second walls receiving a lattice-like connective structure (14, 15), the connective structure having a partition that forms a first cavity with the first wall, a second cavity with the second wall, at least one connector being V-shaped.

Stewart Jr. does not show the connective structure being of a different material than the walls, the first cavity being larger the second cavity, or the V-shaped connector being compressible.

Boeck (col 1 lines 20-24) discloses connectors being made of plastics.

It would have been obvious to one having ordinary skill in the art to modify Stewart Jr. to show the connective structure being of a different material than the walls, the first cavity being larger the second cavity, or the V-shaped connector being compressible because using plastics for connective structure would enhance the connective structure's properties of element resistance and light weight.

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Per claim 13, it is an obvious matter of design choice to make the first cavity larger than the second cavity as seemed fit by the designers to fit a particular application which requires one cavity having a different dimension from the other one.

Per claim 14, it would have been obvious to make the connector out of compressible material as it would increase the frictional property between the walls and the connectors which in turn increases the strength of the finished wall by not having the connectors dislocated.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, Jr in view of Smith.

Stewart Jr shows all the claimed limitations except for the center arm comprising at least one recess for receiving a reinforcing bar.

Smith shows the connective structure having at least one recess for receiving a reinforcing bar.

It would have been obvious to one having ordinary skill in the art to modify Stewart Jr. to show the center arm comprising at least one recess for receiving a reinforcing bar because it is common expedient in the art to provide a recess on a connective structure to receive a reinforcing bar as it would increase the structural strength of a wall structure.

13. Claims 15, 16, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jukes.

Jukes (figures 1-6) shows first and second wall (12, 20), a lattice-like connective structure (30) having at least two connectors (figure 1), a center form (30, A, figure 1) having one side facing the first wall and one side facing the second wall, at least one arm projecting from either

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side of the center form, wherein each at least one arm has a connector (not define by the claims yet).

Jukes does not show the projection length of one arm being different from the other arm.

It would have been obvious to one having ordinary skill in the art to modify Jukes to show the projection length of one arm being different from the other arm because it is a matter of design variation to modify the projection length of the arms to fit a particular application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi Dieu Tran A whose telephone number is (703) 306-9136. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:00. The examiner can also be reached on alternate Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Phi Dieu Tran A

PA

2/9/2001


BETH A. STEPHAN
PRIMARY EXAMINER

Appendix A

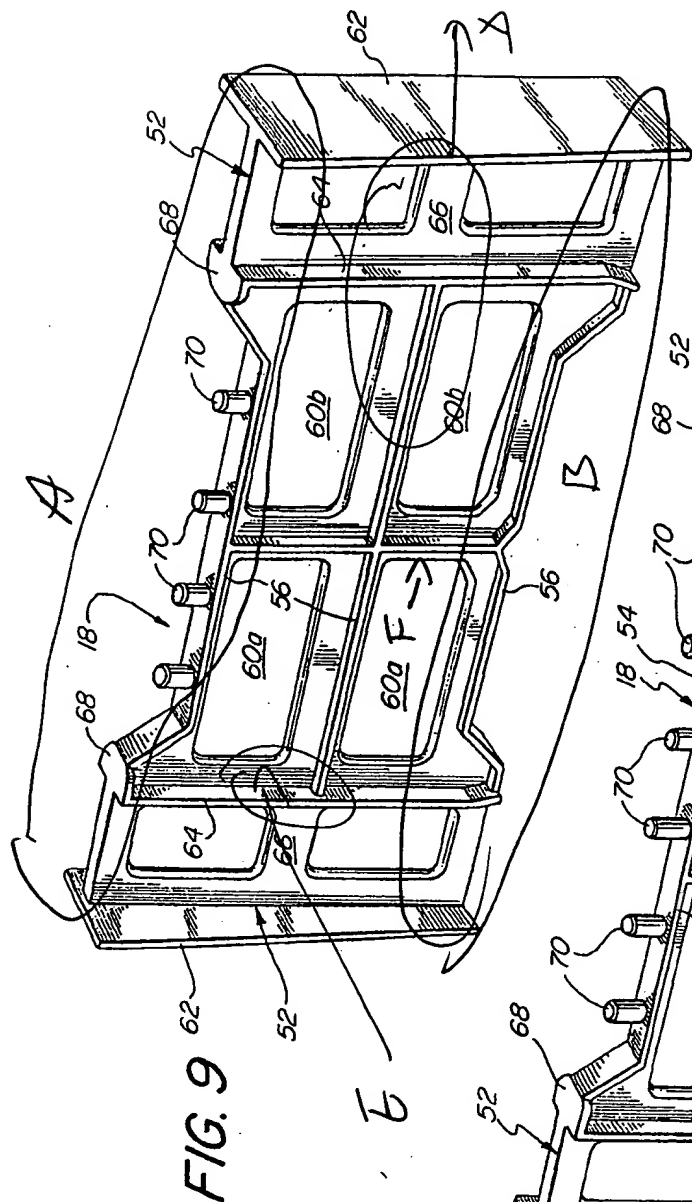


FIG. 9

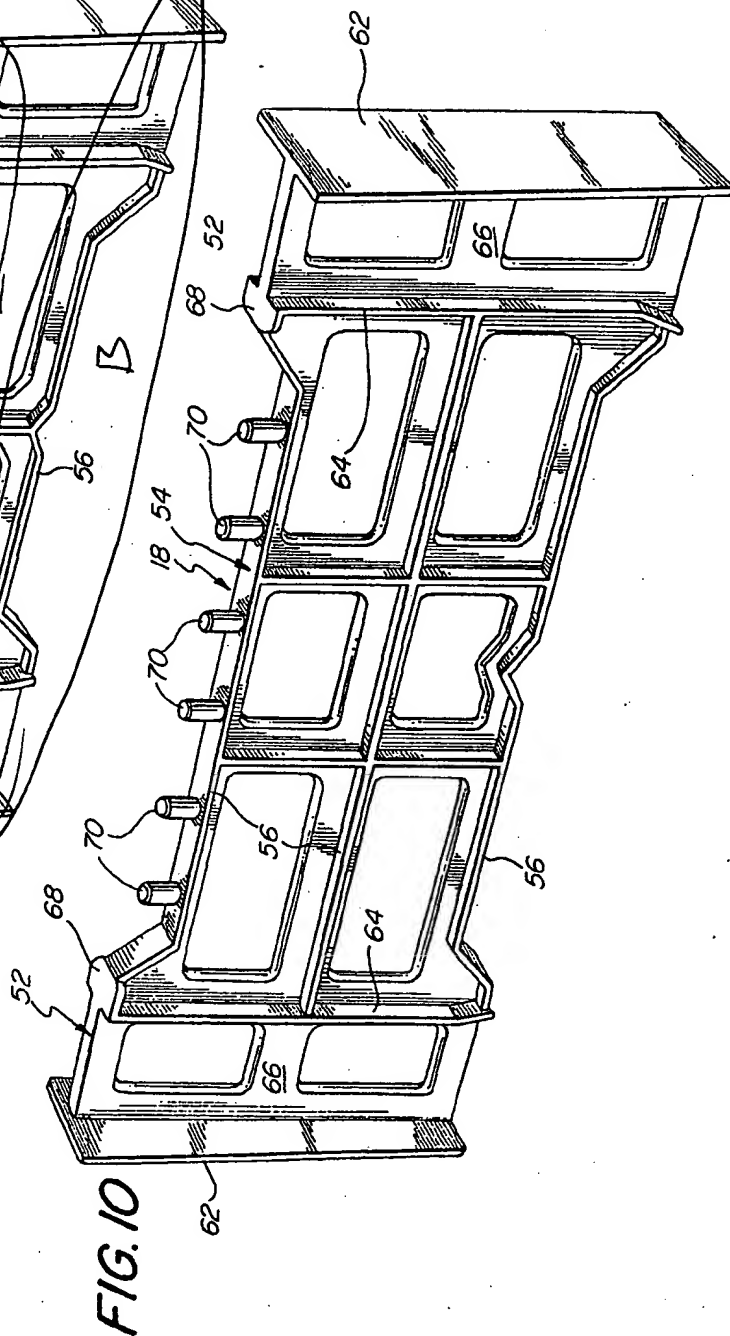


FIG. 10